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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Falkland Islands (Malvinas)*

Working paper prepared by the Secretariat

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* A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas) (see ST/CS/SER.A/42).

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I. General

1. The Falkland Islands (Malvinas) is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland, comprising two large islands, known as East and West Falkland, as well as some 200 smaller islands, and a total area of about 12,173 square kilometres. The Falkland Islands (Malvinas) are situated in the South Atlantic, about 770 kilometres north-east of Cape Horn and about 480 kilometres east of the South American mainland. South Georgia, located about 1,300 kilometres south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 kilometres east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate territory; the Governor of the Falkland Islands (Malvinas) acts concurrently as Commissioner for South Georgia and the South Sandwich Islands. According to the latest census (2006), the population of the Territory was 2,478 (not including residents temporarily absent and civilians working in conjunction with the Ministry of Defence), up from 2,391 in 2001 and representing the largest population since 1931. A dispute exists between the Governments of Argentina and the United Kingdom concerning sovereignty over the Falkland Islands (Malvinas).

II. Constitutional and political developments

2. A new constitution was approved in 2008 and came into force on 1 January 2009 (Statutory Instrument 2008, No. 2846).[1] According to the administering Power, as compared with the 1985 Constitution, the new Constitution enhances local democracy, establishes a greater degree of internal self-government and provides greater transparency and accountability, for instance through the creation of a Public Accounts Committee and a Complaints Commissioner. Moreover, it is in line with the provisions of the European Convention on Human Rights and the International Covenant on Civil and Political Rights. As before, legislative councillors elect a Speaker to chair what is now termed the Legislative Assembly, which meets regularly. They appoint a Chief Executive as head of the civil service to implement policy. Each councillor takes responsibility for a particular portfolio and works closely with the relevant departments. Councillors do not have ministerial responsibility. Questions of policy are considered by the Executive Council, which consists of three members of the Legislative Council who are elected annually from their own number, in addition to two ex officio members who have no voting rights. The Attorney-General and the Commander of British Forces on the Islands have the right to attend meetings of the Executive Council but do not vote. The Governor retains responsibility for foreign policy and defence. By the terms of the new Constitution, the Governor, with the advice and consent of the Legislative Assembly, may make laws for the peace, order and good government of the Territory, while full power to make laws for the peace, order and good government of the Territory is reserved for the British Crown.

Note: The information contained in this working paper has been derived from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations as well as information provided by the Government of Argentina and that available in published sources.

[1] Information provided by the administering Power, 13 January 2009.

3. The last general elections were held for all eight members of the then Legislative Council on 17 November 2005, five from the Territory's urban constituency (Stanley) and three from the Camp (i.e., outside the Territory's only town), for a four-year term. The current Governor, Alan Huckle, took up his appointment in August 2006.

4. Regarding the reform process of the 1985 Constitution, which itself had been rejected by Argentina at the time (see A/40/132), the Argentine Government protested on 6 November 2008 against what it termed "a unilateral act" carried out by the United Kingdom "whereby it claims to have adopted a new 'constitution' for the Malvinas Islands", in "disregard for the resolutions on the question of the Malvinas Islands duly adopted by the General Assembly and the Special Committee on Decolonization" and in "violation of the spirit of the provisional understandings under the sovereignty formula" reached by Argentina and the United Kingdom (see A/63/542, annex I).

5. With reference to Argentina's protest, on 3 December 2008 the United Kingdom rejected the assertions that the Falkland Islands Constitution Order 2008 was contrary, either in practice or in spirit, to any aspect of the Joint Statements agreed between the United Kingdom and Argentina or that it contravened any General Assembly resolutions (see A/63/589).

6. In a letter dated 3 January 2009 from the Deputy Permanent Representative of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General (A/63/671, annex), the Government of Argentina transmitted the text of its press release "on the occasion of the latest anniversary of the illegal occupation of the Malvinas Islands by the United Kingdom", which inter alia stated that the reform process was a "new expression of disregard" for the aforementioned resolutions and "another violation" of the spirit of the aforementioned provisional bilateral understandings. According to information provided by Argentina, that press release reiterated in the same terms as the press release issued by it on 10 June 2008 in connection with the observance of the "Day of Affirmation of Argentine Rights over the Malvinas Islands and the Antarctic Sector", Argentina's "continued willingness to resume the process of bilateral negotiations with the United Kingdom in order to find a definitive solution to the sovereignty dispute and settle this anachronistic colonial situation that is incompatible with developments in today's world".

7. In a letter dated 21 January 2009 from the Permanent Representative of the United Kingdom to the United Nations addressed to the Secretary-General (A/63/690), the Permanent Representative referred to Argentina's letter dated 3 January 2009. Rejecting claims made by Argentina and stating that the principle of self-determination underlay the United Kingdom's position on the sovereignty of the Falkland Islands (Malvinas), the letter concluded that the "United Kingdom continues to believe that there are many opportunities for cooperation in the South Atlantic under the sovereignty formula which would be of mutual benefit. The United Kingdom has made a number of proposals in this respect in recent years and remains keen to foster a constructive relationship with Argentina and to promote practical cooperation in the South Atlantic".

III. Budget

8. The Territory's financial year runs from 1 July to 30 June. According to the administering Power, the Territory maintains a balanced budget. For 2008/2009, the approved estimate for total revenue was £45 million, of which £17 million was estimated to come from fisheries, £6 million from investment income, £9.5 million from taxation and £5.1 million from public works. During the same period, the revised estimate for expenditure was £44 million.[1]

IV. Mine clearance

9. Under the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, known as the Ottawa Convention, on 11 October 2001 the Governments of Argentina and the United Kingdom concluded an agreement, covered by the formula on sovereignty, regarding a feasibility study of the clearance of landmines in the Falkland Islands (Malvinas).

10. As previously reported, the work of the joint working party established under the 2001 agreement was concluded with the completion of the feasibility study on the clearance of landmines in the Falkland Islands (Malvinas) on 5 October 2007. Under the Ottawa Convention, States parties are obliged to clear anti-personnel mines in mined areas within 10 years of the Convention's entry into force.

11. According to the administering Power, for the United Kingdom this meant demining the Territory by March 2009 or seeking an extension to that deadline as provided for under the Convention. The indicative clearance plan set out in the feasibility study envisaged full clearance taking 10 years. On that basis the United Kingdom submitted on 31 May 2008 a request for a 10-year extension to its deadline, to be considered at the Ninth Meeting of States Parties to the Ottawa Convention.

12. According to information provided by Argentina, in a note dated 9 July 2008 and officially circulated to all States parties to the Convention, Argentina conveyed its rejection of the United Kingdom's request "as an illegitimate unilateral act", taking into account that "the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas are an integral part of the national territory of Argentina and are illegitimately occupied".

13. On 28 November 2008, the Ninth Meeting of States Parties to the Ottawa Convention decided by consensus to grant the United Kingdom an extension until 1 March 2019.[2] At that meeting, the United Kingdom announced its intent to proceed with clearance of three mined areas in the Territory and that this would involve establishing a national mine action authority, which would include representation from the Government of the Territory. For its part, Argentina referred at the same meeting to its intention to submit an article 5 extension request with regard to the mined areas in the Falkland Islands (Malvinas), which was expected to happen later in 2009.

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[2] See www.apminebanconvention.org/fileadmin/pdf/mbc/clearing-mined-areas/art5_extensions/countries/UK-Ext-Decision-28Nov2008.pdf.

V. Economic conditions

A. General

14. According to the administering Power, the gross domestic product of the Islands is estimated to be about £75 million annually. Increasing revenue from corporation tax indicates a growing private sector. The fishing industry remains the most important sector of the economy, and the tourism sector is seeing rapid growth. The Territory's stated aim is to ensure a diverse and sustainable economy for the future. The latest Islands Plan (2008-2012) is available on the Internet. It outlines a vision for improved financial management, quality of life and communications while ensuring a sustainable economy.[3]

15. The results of the latest census, taken in 2006, reveal that the average Islander lives in town, works an average of 40 to 49 hours per week and is paid on average between £16,800 and £17,600 per annum.[3]

B. Fisheries

16. Loligo and illex squid are the mainstay of the fisheries and economy of the Territory, as previously reported by the administering Power. In addition to those two squid species, a number of finfish are targeted, including southern blue whiting, hake and hoki. The Fisheries Department is responsible for administering the fisheries sector. Following the enactment of the Fisheries (Conservation and Management) Ordinance in 2005, the Territory began implementation of the new licensing regime. More information on the subject is contained in the 2007 and 2008 working papers prepared by the Secretariat (see A/AC.109/2007/13 and A/AC.109/2008/13). According to information provided, Argentina continued to censure this regime in 2008, including through domestic legislation in respect of vessels with no licence issued by the Argentine authorities.[4]

C. Tourism

17. Tourism is the second largest contributor to the Territory's economy, valued at approximately £5 million per annum.[5] There has been a significant expansion in the Falkland Islands (Malvinas) tourism sector in recent years, with an average growth rate in visitor arrivals of 21 per cent between the 2000/2001 and 2007/2008 seasons. According to the administering Power, approximately 62,000 tourists, largely from cruise ships, visited the Falkland Islands (Malvinas) in 2007/2008, and the Tourist Board predicts that annual tourist arrivals will exceed 100,000 over the next few seasons if strong growth continues.

D. Agriculture, land tenure and livestock

18. According to the administering Power, the most significant change in agriculture in recent years has been the development of the meat industry and of

[3] See http://www.fco.gov.uk.

[4] Mercopress, 29 May 2008; www.clarin.com/diario/2008/05/29/elpais/p-01201.htm.

[5] See http://www.visitorfalklands.com/images/stories/Downloads/0809VisitorguideENGLISH.pdf.

farming adjusted to produce dual-purpose sheep that will maximize returns from both meat and wool. One million kilograms of wool were exported from the Islands in 2007, and 31,000 sheep and lambs were processed through the Sand Bay abattoir for export in 2008. The Territory has an ongoing 10-year plan to support agriculture, although spending under the plan has decreased every year since 2004 as farmers invest more of their own funds into their production units. Pasture and genetic improvement programmes lie at the heart of the Government strategy. The amount of farmland in use has declined, owing to farming methods becoming more intensive to meet export market requirements. Some landowners have moved out of stock management, either completely or partially, when able to earn income from other sources, while some younger Islanders have taken over family farms or bought new properties.

E. Transport, communications and other basic facilities

19. According to the administering Power and media reports, the Territory is nearing the end of an extensive road-building programme (with an allocation of £450,000 from the Camp roads budget for 2008), which has involved the construction of a road network to connect outlying settlements and farms. In addition, there is a coastal shipping service to the community outside Stanley supplying fuel and stores to settlements on the east, west and outlying islands, as well as a regular ferry service between the two main islands, carrying both passengers and freight. The ferry service has recently been upgraded with the acquisition of a new vessel and the construction of purpose-built terminals at optimal locations.

20. In 2008, the LanChile airline continued to provide regular weekly service between Punta Arenas, Chile, and the Falkland Islands (Malvinas), including two monthly stopovers in Río Gallegos on mainland Argentina, in accordance with the provisions of the Joint Statement of 14 July 1999 between Argentina and the United Kingdom. Moreover, according to information provided by Argentina, under the Exchange of Notes Agreement of 23 February 2001, private flights were authorized, as were 21 medical evacuation flights from the Falkland Islands (Malvinas) to mainland Argentina and Chile. As previously reported, since 3 November 2003, no non-regular flight between third countries and the Falkland Islands (Malvinas) by any company flying under the flag of a third country has been authorized. No agreement between Argentina and the United Kingdom has been reached on the Argentine proposal made in 2003 aimed at the establishment of direct, regular air service between mainland Argentina and the Falkland Islands (Malvinas) operated by an Argentine air company.

21. Communications, both internally and with the outside world, have improved over the past several years. According to the administering Power, there are well over 1,000 computers on the islands, and in 2008 857 computers were connected to broadband Internet, while 248 computers used a dial-up connection. There were also 3,044 mobile and 1,994 fixed-line telephones.

22. The Territory's first major wind farm became operational in 2007 and has been meeting 25 per cent of urban electricity needs, as previously reported. By November 2008, over 3,631,000 units of electricity had been generated by the turbines. The capacity of the wind farm is planned to double by 2010, with the expectation that

40 per cent of the Territory's urban electricity use will be met from wind power as a result. On a smaller scale, wind turbines provide power to homesteads and small settlements throughout the islands. According to the administering Power, the Falkland Islands Development Corporation offers a 50 per cent grant for wind turbine costs to farmers.

23. More information on transport arrangements, communications and other basic facilities is contained in previous working papers prepared by the Secretariat.

F. Environment

24. According to the administering Power, the Falkland Islands (Malvinas) works to uphold a number of environmental treaties, as previously reported. For its part, according to information provided by Argentina, the Argentine Republic has rejected the territorial application effected by the United Kingdom of the United Nations Framework Convention on Climate Change and the Kyoto Protocol, the Agreement on the Conservation of Albatrosses and Petrels, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on the Conservation of Migratory Species of Wild Animals and the Ramsar Convention on Wetlands, on the grounds that the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands, along with the surrounding maritime areas, were an integral part of the territory of Argentina. More information on the subject is contained in the previous working paper (A/AC.109/2008/13) prepared by the Secretariat.

VI. Social conditions

A. General

25. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms have been extended to the Falkland Islands (Malvinas) by the administering Power. Furthermore, the United Kingdom has extended the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights to the Territory and observes the regular reporting procedures under those instruments. There is no discrimination on the basis of sex in the implementation of articles 2 and 3 of the International Covenant on Civil and Political Rights. The Convention on the Elimination of All Forms of Discrimination against Women, including its Optional Protocol, and the Convention on the Rights of the Child have been applied by the United Kingdom in the Falkland Islands (Malvinas).

26. As previously reported, Argentina has consistently rejected the territorial application by the United Kingdom of these various instruments, as well as the designation of the Territory as an Overseas Dependent Territory of the United Kingdom or any other similar designation. More information on the subject is contained in previous working papers prepared by the Secretariat.

B. Public health

27. The general state of health in the Falkland Islands (Malvinas) is good. According to the administering Power, medical and dental treatment and prescription drugs are free to all Falkland Islands (Malvinas) and United Kingdom residents under a reciprocal health agreement. All medical services are based at the King Edward VII Memorial Hospital in the Territory's town, which provides a full range of primary-care services to the civilian population, military personnel stationed in town and foreign fishing fleet personnel around the Islands. In addition, there is a visiting medical service supporting outlying farm settlements. The hospital has facilities to deal with acute medical and surgical conditions. It has 29 beds, including one maternity and two intensive-care beds. Patients requiring specialist attention are first stabilized and then evacuated to the United Kingdom or Chile or, in emergencies, to Montevideo.

C. Social security and welfare

28. According to the administering Power, the Falkland Islands Retirement Pensions Ordinance provides for mandatory fixed monthly contributions by all employers and by employees between the ages of 17 and 64. The Falkland Islands Pension Scheme Ordinance 1997 provides for a national defined-contribution vehicle through which employers, self-employed individuals and other individuals within the Falkland Islands (Malvinas) can make contributions, under employer-employee agreements or voluntarily, during their working lives and receive a pension upon retirement. A system of social welfare grants and pensions is in place to deal with cases of hardship and disability.

D. Education

29. Education in the Falkland Islands (Malvinas) is free and compulsory for all children between the ages of 5 and 16, with access to preschool (nursery) education from the age of four. According to the administering Power, the Government provides staff, equipment and supplies for education, has a primary and a secondary school in the Territory's town and operates two settlement schools. In the rural areas, younger children either attend the settlement schools or are visited by one of four travelling teachers for two weeks out of every six. There are also daily telephone lessons available in the intervening periods. Students above the age of 16 who qualify in examinations are funded for studies overseas, mostly in the United Kingdom.

30. According to information provided by the administering Power, in 2007/2008 there were 388 schoolchildren being educated in the Falkland Islands (Malvinas), while continuing education past 16 years of age was being provided locally through the training unit of the education service, involving 20 students. Meanwhile, 67 further and higher education pupils were being educated overseas.[1] According to information provided by Argentina, inhabitants of the Falkland Islands (Malvinas) continued to make use of access to the Argentine public education system.

VII. Participation in international organizations and arrangements

31. The Government of the Falkland Islands (Malvinas) participates in activities of the Commonwealth and is a member of the United Kingdom Overseas Territories Association. According to the administering Power, representatives of the Government have participated, as members of the United Kingdom delegation, in discussions on various matters affecting their interests.

32. Under the United Nations Convention on the Law of the Sea, claims for an extended continental shelf by those coastal States for whom the Convention came into force on or before May 1999 are to be submitted to the Commission on the Limits of the Continental Shelf by May 2009. According to the administering Power, the United Kingdom is researching its submission to the Commission in respect of the continental shelf around the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands and is considering its approach in view of the May 2009 deadline. Plans for that submission have not been finalized. In 2007, the United Kingdom proposed to meet with Argentina on the matter. Meanwhile, according to information provided by Argentina, from 17 April to 31 May 2008, Argentina completed scientific research in areas north-east and south-east of the Falkland Islands (Malvinas), collecting data to be included in its submission to the Commission by the May 2009 deadline.

VIII. Consideration by intergovernmental organizations and forums

33. On 3 June 2008, the General Assembly of the Organization of American States (OAS) adopted a declaration on the question of the Falkland Islands (Malvinas) (AG/DEC. 58 (XXXVIII-O/08)), in which inter alia it welcomed the reaffirmation of the will of the Argentine Government to continue exploring all possible avenues towards a peaceful settlement of the dispute and its constructive approach towards the inhabitants of the Islands. It reaffirmed the need for the Governments of Argentina and the United Kingdom to resume, as soon as possible, negotiations on the sovereignty dispute, in order to find a peaceful solution to that protracted controversy. The OAS General Assembly decided to continue to examine the question at its subsequent sessions until a definitive settlement had been reached thereon.

34. On that occasion, according to information provided by Argentina, the Argentine delegation inter alia expressed that "the British refusal to comply with the international obligations regarding this sovereignty dispute" disregarded the principles of the Charter of the United Nations, "particularly the obligation to actively seek the peaceful settlement of international disputes, which both countries expressly reaffirmed in the 1989 Madrid Joint Statement", and was contrary to "the United Kingdom's responsibility to contribute to strengthening international peace and security as a Permanent Member of the United Nations Security Council".

35. The position of the United Kingdom with regard to the consideration of the question of the Falkland Islands (Malvinas) by OAS was stated in a note verbale dated 3 June 2008 from the Permanent Observer of the United Kingdom to OAS to the Chair of the OAS General Assembly. The note verbale inter alia indicated that

the position set out by the United Kingdom's Permanent Representative to the United Nations, Sir John Sawers, in a written right of reply dated 1 October 2007 (A/62/469, annex) to the statement by President Néstor Carlos Kirchner of the Argentine Republic in the United Nations General Assembly on 25 September 2007 remained the United Kingdom's position. The United Kingdom had no doubts about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas.[5]

36. The Heads of State and Government of the Ibero-American countries, meeting in San Salvador from 29 to 31 October 2008, issued a special communiqué on the question of the Falkland Islands (Malvinas) in which they reaffirmed "the need for the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume negotiations as soon as possible with a view to finding an early resolution to the sovereignty dispute relating to the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas in accordance with the resolutions of the United Nations and the Organization of American States and the purposes and principles of the Charter of the United Nations, including the principle of territorial integrity".[6]

37. The Presidents of the States parties of the Common Market of the South (MERCOSUR) and Associated States, in their Joint Communiqués dated 1 July and 16 December 2008, reaffirmed their support of the legitimate rights of Argentina and recalled the regional interest with regard to the sovereignty dispute.[7]

38. According to the administering Power, the United Kingdom is not a member of any of the aforementioned organizations, nor has it been represented at any of the aforementioned meetings, with the exception of OAS, where the United Kingdom has observer status.

IX. Future status of the Territory

A. Position of the administering Power

39. By a letter dated 29 September 2008 addressed to the President of the General Assembly (A/63/462, annex), in exercise of the right of reply to the remarks of the President of Argentina in her address to the General Assembly on 23 September 2008, the Permanent Representative of the United Kingdom stated the position of his Government as follows:

> "The British Government attaches great importance to the principle of self-determination as set out in Article 1.2 of the Charter of the United Nations and article 1 of the International Covenant on Civil and Political Rights. That principle underlies our position on the Falkland Islands.
>
> "The Falkland Islands are not a colonial enclave. Britain's Overseas Territories are British for as long as they want to remain British. The people of the Falkland Islands have chosen to retain their link with Britain. The democratically elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the Committee of 24. They asked the Committee to

[6] See XVIII Cumbre Iberoamericana, www.oei.es/xviiicumbrecomunicados.htm.

[7] See www.mercosur.int.

recognize that they, like any other people, were entitled to exercise the right of self-determination. They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands.

"There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wish.

"The United Kingdom has no doubts about its sovereignty over the Falkland Islands."

40. In his New Year's message to the Territory in January 2009, the Prime Minister of the United Kingdom, Gordon Brown, restated the commitment of the United Kingdom to the Islanders and their right of self-determination, against the backdrop of the twenty-fifth anniversary of the conflict over the Falkland Islands (Malvinas):

"Today we're not only welcoming in the New Year, but also a new Constitution for your Islands. This Constitution both reiterates the United Kingdom's commitment to your right to self-determination and enhances local democracy and accountability. I welcome this and I recognize that, through your full participation in the Constitutional Review, you have shown your unequivocal desire to remain British."[1]

B. Position of the Government of Argentina

41. As reflected in the official record of the meeting of the General Assembly on 23 September 2008 (A/63/PV.5), the President of Argentina, Cristina Fernández de Kirchner, in her address to the General Assembly, inter alia referred to the issue of the "Malvinas Islands, where, despite the resolutions of this body, despite all the measures taken here for the United Kingdom to agree, in virtue of what is set out in Article 33 of the Charter of the United Nations, to negotiate in peace between the parties, that country resolutely refuses to discuss with the Argentine Republic the issue of the Malvinas Islands". The President expressed her belief that "a member of the Security Council — one that is among the principal nations of the world in the defence of freedom, human rights and democracy — should give concrete proof that it is not just talk but that it is truly convinced that it is necessary to end this shame, that of a colonial enclave in the twenty-first century"; stated that "Malvinas is for Argentineans a State policy"; and requested "the cooperation that this body has always provided to once again urge the United Kingdom to agree to comply with international law and to demonstrate that it is serious in wishing to build a different world and a different citizenry".

42. Additional information on the position of the Government of Argentina can be found in section X.A. below.

X. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

43. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 7th meeting, on 12 June 2008 (see A/AC.109/2008/SR.7). At that

meeting, the Special Committee decided to accede to the request of Argentina, Brazil, Paraguay, Peru and Uruguay to participate in the Committee's consideration of the item.

44. At the same meeting, statements by Mr. Stevens and Ms. Robertson from the Legislative Council of the Falkland Islands (Malvinas) were heard. Ms. Areguati and Mr. Clifton also made statements.

45. The representative of Chile, on behalf of Bolivia, Chile, Cuba and the Bolivarian Republic of Venezuela, introduced draft resolution A/AC.109/2008/L.8. The draft resolution reiterated that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) was the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of Argentina and the United Kingdom. It requested both parties to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution, in accordance with the provisions of the relevant General Assembly resolutions.

46. At that meeting, the Foreign Minister of Argentina, Jorge Taiana, as reflected in the summary record of that meeting, reiterated the Argentine Republic's inalienable and imprescriptible rights over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, which had been unlawfully occupied by the United Kingdom through an act of force. Since 1833, the Argentine Government had maintained a strong and uninterrupted stance of protest against the continued illegal occupation of part of its national territory. The principle of self-determination was not applicable. The question involved the unique case of a colonial situation without a colonized population. In Argentina's view, to accept that the mere passage of time might grant rights to a power that occupied foreign territories against the wishes of local populations, or to the transplanted subjects of that power, would be to establish a dangerous precedent. The Government of Argentina remained convinced that negotiation between the parties was the only way to put an end to the dispute, and it was committed to respecting the way of life of the inhabitants of the islands, as provided for in its constitution and as requested of both parties by the United Nations.

47. Further, although Argentina had no doubts about its sovereignty over the Malvinas, South Georgia and the South Sandwich Islands and the surrounding maritime areas, it remained willing to negotiate, and to cooperate with the United Kingdom on practical aspects deriving from the de facto situation in the South Atlantic, under due legal safeguards. The United Kingdom, on the other hand, persisted in its refusal to negotiate, a behaviour seen by Argentina as unacceptable from any responsible member of the Organization, let alone a permanent member of the Security Council. The core of both parties' positions on the issue was familiar to all. The solution had to begin with negotiations. Indeed, the negotiations that had been conducted pursuant to General Assembly resolution 2065 (XX) had demonstrated that serious and immediate efforts from both parties could lead to a solution. For that reason, Argentina considered the good offices of the Secretary-General to be the only available option for bringing the parties to the negotiating table.

48. At the same meeting, the representatives of Bolivia, Brazil, China, Cuba, Ecuador, Grenada, Guatemala, Indonesia, Paraguay, Peru, the Russian Federation,

Sierra Leone, the Syrian Arab Republic, Tunisia, Uruguay and Venezuela (Bolivarian Republic of) also made statements.

B. Special Political and Decolonization Committee (Fourth Committee)

49. On 6 October 2008, during the debate on decolonization issues in the Special Political and Decolonization Committee (Fourth Committee) during the sixty-third session of the General Assembly, several delegations referred to the question of the Falkland Islands (Malvinas). The representative of Mexico, speaking on behalf of the Rio Group, reiterated the need for the Governments of the Argentine Republic and of the United Kingdom to resume negotiations to find a peaceful, just and definitive solution to the sovereignty dispute in accordance with the relevant resolutions of the General Assembly, the Special Committee, and OAS and with the principle of territorial integrity. The representative of Brazil, speaking on behalf of MERCOSUR member States and associated States, reiterated the support of MERCOSUR for the legitimate sovereign rights of the Argentine Republic over the Territory and urged the two parties to respect the will of the international community, as reflected in the relevant resolutions, and to resume negotiations in order to resolve their dispute (see A/C.4/63/SR.2).

50. The representative of the United Kingdom, in exercise of the right of reply, said that the United Kingdom's position on the issue was well known and had been reiterated on 29 September 2008 (A/63/462, annex) by the Permanent Representative of the United Kingdom. The United Kingdom had no doubts about its sovereignty over the Falkland Islands (Malvinas). There could be no negotiations on the sovereignty of the Territory unless and until such time as the Islanders so wished.

51. The representative of Argentina said that "the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas are an integral part of Argentina's territory and illegitimately occupied by the United Kingdom". He recalled that several General Assembly resolutions had recognized the existence of a sovereignty dispute referred to as the "question of the Malvinas Islands", urging both parties to resume negotiations towards a peaceful and lasting solution.

C. Action taken by the General Assembly

52. Under resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As of the date of the issuance of the present report, there had been no such notification by a Member State to the General Assembly.